

CL-10227151-3930

[REDACTED]

[REDACTED]

A PROFESSIONAL CORPORATION  
ATTORNEYS AND COUNSELORS AT LAW  
NORFOLK, VA [REDACTED]

2008 MAY 15 AM 7:12

[REDACTED]

[REDACTED]  
VIRGINIA BEACH, VIRGINIA

TELEPHONE [REDACTED]  
FACSIMILE [REDACTED]

ADMINISTRATOR

May 12, 2008

**VIA FEDERAL EXPRESS**

National Highway Traffic Safety Administration  
Office of Defects Investigation  
U.S. Department of Transportation  
1200 New Jersey Avenue, S.E.  
West Building  
Washington, DC 20590

Re: ODI No. 10227151  
2004 Volvo XC90 T6 Failed Transmission

Dear Sir or Madam:

I have enclosed for your investigation, the email communication I have had with Volvo Cars of North America, LLC, the estimate from the dealership and my limited research regarding the widespread nature of this problem. Although I am not aware of any reported deaths or injuries having been suffered due to this problem, it is only a matter of time before this serious safety issue will result in such an event.

I have requested of the dealership that they retain the old transmission and parts for inspection relative to this investigation. They have initially advised me that since Volvo is paying for the reconditioned transmission that they are now the owners of my old transmission and that the dealership will be forwarding the transmission back to Volvo Cars of North America, LLC. I am attempting to have the local dealership, Phillips Volvo of Virginia Beach, retain the old transmission for at least 60 days for inspection.

Thank you for your consideration of this matter.

Very truly yours,

[REDACTED]

TCD/kkr  
Enclosures

ET  
05/15/08  
11:07  
KB

[REDACTED]

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**From:** beleca@volvocars.com  
**Sent:** Friday, May 09, 2008 8:57 AM  
**To:** [REDACTED]  
**Subject:** RE: 2004 Volvo XC90 T6 Transmission Failure [INTR:274704]

[REDACTED]

As I indicated previously, Volvo Cars of North America, LLC along with all car manufacturers work with the National Highway Traffic and Safety Division to address concerns.

[REDACTED] unfortunately, I do not have any further information to provide.

While you may not concur with the information provided, regrettably, we will not be in a position to respond or consider this matter further.

Sincerely,

Jaye

Executive Communications Specialist

----- Original Message -----

**From :** [REDACTED]  
**To :** beleca@volvocars.com  
**Subject :** RE: 2004 Volvo XC90 T6 Transmission Failure [INTR:274614]  
**Date :** Thu, 08 May 2008, 06:05:49 PM EDT

Thank you again for your prompt reply. If Volvo Cars of North America, LLC does not have the information available on transmission failures for the 2004 XC 90 T6, who does have the data available? Also , I had inquired whether or not Volvo Cars of North America,LLC had notified The National Highway Traffic Safety Administration about the problems being experienced with the transmission failures. Your reply was that Volvo Cars of North America, LLC and all car manufacturers work with the National Highway Traffic and Safety Division to address concerns. Has Volvo Cars of North America,LLC notified The National Highway Traffic Safety Administration about the transmission failures?

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**From:** beleca@volvocars.com [mailto:beleca@volvocars.com]  
**Sent:** Thursday, May 08, 2008 4:01 PM  
**To:** [REDACTED]  
**Subject:** RE: 2004 Volvo XC90 T6 Transmission Failure [INTR:274614]

Dear [REDACTED]

[REDACTED], we can appreciate your concerns if you should experience the transmission failing again.

Regarding the Warranty, please understand that our New Car Limited Warranty is 4 years/50,000 miles. Once that vehicle is out of warranty any parts replacement would be covered under our Spare Parts Warranty one

5/12/2008

year beginning with the date the part was replaced. Unfortunately, the warranty cannot be changed.

If you were to experience a concern in the future, please understand that all situations are reviewed on a case by case basis (we have a file with your information) and we would review your concerns at that time.

In regards to your request for transmission failures, unfortunately we do not have the information available that you are requesting.

Volvo Cars of North America, LLC along with all car manufacturers work with the National Highway Traffic and Safety Division to address concerns.

[REDACTED], while we are sorry that you are not in agreement with our determination, your concerns have been reviewed and unfortunately, we are not in a position to consider this matter further.

Sincerely,

Jaye

Executive Communications Specialist

----- Original Message -----

From : [REDACTED]

To : beleca@volvocars.com

Subject : RE: 2004 Volvo XC90 T6 Transmission Failure [INTR:274259] Attn. Jaye Linnin

Date : Thu, 08 May 2008, 12:18:00 PM EDT

Thank you for your prompt reply. I do have several concerns which I would ask you to address. First, the transmission failure on my 2004 XC90 T6 is not an anomaly. The transmission failures appear to be wide spread and growing. Additionally, the replacement of the failed transmission with a remanufactured transmission does not appear to be an adequate solution as there are many reported cases of continued failure particularly with the T6 engine after replacement. My service rep at Phillips Volvo told me that since he has been working in their service department, for the last year, he has had three other customers with 2004 XC90 T6's with less mileage that have had failed transmissions that were replaced. This is only one of several service reps at only one dealership.

I would request that Volvo provide to me the total number of 2004 XC90 T6's sold worldwide that have had failed transmissions with less than 85,000 miles. I would also request that Volvo advise me now before I replace the transmission what Volvo will do if the remanufactured transmission fails within 12 months or after 12 months. Lastly, I would request that Volvo inform me whether or not they have notified The National Highway Safety Administration of the numerous failed transmissions on the 2004 XC90 T6's and the potential safety risk they pose to consumers.

The roadways in and around Virginia Beach where my vehicle is driven are flat. Typically, I am the only person in my vehicle and it has never been used to tow, push or pull anything. It has been regularly maintained at Phillips Volvo.

I would request that Volvo reconsider its position in not paying for any labor and respond to my request for information before I move forward with the repairs.

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**From:** beleca@volvocars.com [mailto:beleca@volvocars.com]

5/12/2008

**Sent:** Wednesday, May 07, 2008 3:44 PM

**To:** [REDACTED]

**Subject:** RE: 2004 Volvo XC90 T6 Transmission Failure [INTR:274259]

Dear [REDACTED]

I have been asked to personally respond on Ms. Anne Belec's behalf who is no longer with Volvo Cars of North America, LLC.

We are very sorry to learn the transmission failed on your 2004 Volvo XC90. We realize this situation is very disappointing as well as frustrating along with the expenses incurred.

[REDACTED] your concerns have been reviewed through our office, Regional Representative and Phillips Volvo. First of all please understand that all situations are reviewed on a case by case basis and several factors that we base our decisions on are year, mileage, if you service on a continual basis with your Volvo retailer and service history. Based on the information provided, as an extension of good faith, we offered to replace the transmission with a 12 month/unlimited warranty. Phillips Volvo has offered to cover 50% of the labor. In addition to the transmission, Volvo has offered to cover 100% parts for the sunroof repair.

[REDACTED], while we understand this entire situation has been very disheartening and you are not happy with our determination, please know we did offer to assist with repairs since we do value you as a member of our Volvo family.

We regret that we are not able to respond as you may have wished on this occasion or consider this matter further.

Sincerely,

Jaye Linnin

Executive Communications Specialist

Office of the President

----- Original Message -----

From : [REDACTED]

To : beleca@volvocars.com

Subject : 2004 Volvo XC90 T6 Transmission Failure [INTR:274259]

Date : Tue, 06 May 2008, 04:37:10 PM EDT

Dear Ms. Belec,

I own a 2004 Volvo XC90 T6 with 82,500 miles on it with a failed transmission. The problem first began at about 70,000 miles. The vehicle was purchased new from Phillips Volvo in Virginia Beach, Virginia through the overseas delivery program. The dealership contacted Volvo Customer Care who said Volvo would only be willing to pay for a remanufactured transmission (parts) but not the estimated \$3,500 in labor. The dealership has now agreed to pay half of the labor and is requesting I pay \$1,700 which I find unacceptable. When I asked the dealership what type of warranty I would get on the transmission they told me it would be 12 month warranty. They also told me but that the Volvo rep. (Carl) would require me to sign a release. I am very disappointed that Volvo is not offering to pay for all parts and labor together with an extended warranty but instead is asking a long time Volvo customer to sign a release before they replace a defective

transmission. It appears that Volvo is and has been aware of the overwhelming number of transmission failures since the XC 90 T6 was first produced. At a minimum, Volvo should be replacing the defective/failed transmissions at no cost to the consumer (parts and labor) and should consider a voluntary recall for the obvious safety issues that can and are occurring from the failed transmissions. Volvo is also replacing the failed drain lines from the sunroof that have caused a moisture problem requiring the replacement of the carpets with the dealership again requesting that I pay one half of the labor. I have requested the opportunity to speak with Carl and was told by the Customer Care rep that customer contact is not permitted with the Volvo rep. I expect more from a Volvo product and certainly would have expected more from the Volvo rep. It is offensive to suggest that before you replace a defective component that you would require a consumer to sign a release particularly when it involves a potential safety issue with regard to a known design defect. I would hope that is not Volvo's business practice and if it is then that is an issue that should be investigated by the appropriate state and or federal regulatory agency. I would ask for you or someone on your staff to please contact me regarding these issues. Volvo For Life is taking on a much different meaning for me. My phone number at home is [REDACTED] work [REDACTED] cell [REDACTED]. Thank you for your prompt attention. [REDACTED]